

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

United States of America

v.

TREMAYNE KIRBY

Case No. 7:15-mj-00062

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 25, 2013 and after in the county of Pittsylvania in the
WESTERN District of VIRGINIA, the defendant(s) violated:

Code Section

18 USC 1591
18 USC 2421

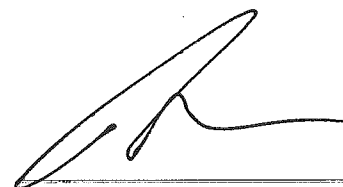
Offense Description

Sex Trafficking of Children or by Force Fraud or Coercion
Transportation Generally

This criminal complaint is based on these facts:

SEE ATTACHMENT

☒ Continued on the attached sheet.



Complainant's signature

HUNTER DURHAM / SPECIAL AGENT

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/17/2015



Judge's signature

City and state: ROANOKE, VIRGINIA

ROBERT S. BALLOU / US MAGISTRATE JUDGE

Printed name and title

**THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA**

IN THE MATTER OF A CRIMINAL COMPLAINT / ARREST WARRANT FOR: Tremayne R. Kirby	<u>UNDER SEAL</u> CASE NO. _____
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**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Hunter Durham, being first duly sworn, depose and state the following:

INTRODUCTION

1. I make this affidavit in support of a criminal complaint authorizing the issuance of an arrest warrant for TREMAYNE R. Kirby; born [REDACTED], and assigned social security number XXX-XX-3604.
2. I am a Special Agent with the U.S. Department of Homeland Security (DHS), Office of Homeland Security Investigations (HSI), currently assigned to the Office of the Special Agent in Charge in Washington D.C. Prior to my career in federal law enforcement, I served as a member of the United States Military uniformed services for 10 years. I have been awarded academic degrees of Bachelor of Arts and Master of Arts focusing in the field of Political Science. I have been employed as a Special Agent in federal law enforcement since 2006. I am an "investigative or law enforcement officer" as defined in Title 18 of the United States Code, § 2510(7), which grants the authority for such officers to conduct investigations and make arrests for offenses enumerated in Title 18 and other sections of the United States Code.
3. The statements in this affidavit are based on my investigation, experience, training, professional research, information received from other professional sources, and background as a federal agent. I have set forth only the facts I believe are necessary to establish probable cause to believe Tremayne R. Kirby has engaged in violations of Title 18, United States Code, Section 1591(a), Title 18, United States Code, Section 2421, and Title 18, United States Code, Section 2, which occurred in and affecting the Western District of Virginia.
4. Title 18 U.S.C. § 1591(a) governs Sex Trafficking of Children or by Force, Fraud, or Coercion, and states, "Whoever knowingly (1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, or maintains by any means a person; or (2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1), knowing,

or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means will be used to cause the person to engage in a commercial sex act, or that... the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

5. Title 18 U.S.C. § 2421 governs interstate transportation for illegal sexual activity. It provides that "whoever knowingly transports any individual in interstate or foreign commerce . . . with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 10 years, or both.

CHARACTERISTICS COMMON TO GROOMING IN PROSTITUTION AND SEX TRAFFICKING

6. The investigation finds that certain persons acting as pimps are believed to be engaged in the recruitment and sexual exploitation of women, including minors, for the purpose of inducing them into prostitution service through various means. Your affiant is aware of the following common traits associated with those who facilitate prostitution schemes and engage in the illicit trade of recruiting, grooming, and employing prostitutes within such schemes:

- A. Grooming is the predatory act of inducing another individual into a position of isolation, dependency, and trust, which increases the person's vulnerability to abusive behavior and control. It focuses on persons already susceptible due to youth or nativity; those seeking emotional or other fulfillment; social disenfranchisement; poor economic conditions; pre-existing behavioral depravity; and other factors;
- B. the purpose is to gain the target's/victim's trust for the purpose of manipulating the target/victim for the purpose of controlling the victim's behavior. Several intuitive techniques are commonly employed including engaging in relationships and saturation attention; physical flattery; socializing and recruitment through entertainment; physical isolation; gift-giving including offering money earning potential; normalizing questionable sexual behavior; threatening behavior; and other hallmarks;
- C. facilitators often engage in romantic, spiritual, or sexual relationships with victims, which are often superficial or false with the intended purpose of eliciting the desired trust from the target;
- D. facilitators commonly introduce victims to illicit drugs in order to induce desire or dependency, which the facilitator can satisfy. Psychological or physical drug dependency is a powerful tool, which facilitators utilize to recruit, groom and control victims.

- E. facilitators often use superficial relationships for the added purpose of concealing illicit activity or behavior from family, society, or law enforcement. Conditioning of victims to maintain the secrecy of illicit relationships is a highly effective way of concealing activity from disclosure and preventing victims from providing testimony against facilitators. Conditioning often occurs through the process of inducing guilt, shaming and convincing the victim that their actions are of a co-conspiratorial and equally illicit nature;
- F. facilitators use the secrecy of their relationships with victim-individuals in order to engage in similar relationships with other victims thereby enabling their ability to manipulate multiple victims without the other's knowledge. Naivety, isolation, building of superficial trust, and the ability to control the victim are key elements of this ability to manipulate multiple victims.

GENERAL KNOWLEDGE OF BACKPAGE.COM (BACK PAGE)

7. Backpage.com is an online bulletin-board, which specifically serves as an advertising forum for classified listings of various kinds including but not limited to automotive sales, employment listings, real estate sales-rentals, and other services or commodities. Back Page also includes an "adult entertainment" section, which has grown into a well-established venue for the listing and negotiating of illicit sexual services (including child sex trafficking). The advertisements commonly include sexually suggestive language and photographs of persons claiming to be "escorts." Frequently, the identities of the persons photographed are concealed by omitting or hiding the person's face.

GENERAL BACKGROUND ON KIRBY'S PROSTITUTION ACTIVITIES

8. During November of 2014, the office for Homeland Security Investigations (HSI) in Roanoke, Virginia began a review of casework established by the Pittsylvania County Sheriff's Office (PCSO), Henry County Sheriff's Office, Virginia State Police, and Roanoke Police in Virginia. The investigation involves allegations of persons, including Kirby, engaging in various violations of state and federal law including but not limited to ~~organized street gang activity including, among other things, drug trafficking, sex trafficking of juveniles and adults, including through the use of BackPage.com, and transportation of females in interstate commerce for the purpose of prostitution.~~

HENRICO COUNTY, VIRGINIA

9. Kirby has a history of prostitution-related activity. On October 25, 2013, Henrico County Police Department (HRCPD) conducted an undercover operation targeting prostitution services advertised on Back Page. HRCPD made contact with and interdicted two females who are hereinafter identified as Witness1 and Witness2. The

females were encountered in a hotel room and had in their possession condoms and illegal drugs. The females advised police that they were engaged in prostitution activities and they were in the company of two males they identified as "pimps." The two males identified by the witnesses and encountered by law enforcement in the immediate vicinity of the hotel were identified as Kirby and Omar Shareef. Both witnesses claimed they were brought to Richmond under false pretenses from Raleigh, North Carolina and Danville, Virginia respectively; then were notified by Shareef and Kirby that they were not free to leave the room because they were going to engage in prostitution services.

10. Omar Shareef waived his Miranda privilege and made statements to law enforcement. Shareef advised that he resides in Raleigh, NC but could not provide a discernable explanation for his presence in Richmond. He stated they came to Richmond to "chill." Shareef identified a total of five girls who traveled with Shareef and Kirby to Richmond, three of whom had abandoned them after the previous evening. The group first stayed overnight at the Red Roof Inn near Interstate 95 for approximately two days and then moved to the hotel where the law enforcement event occurred. Shareef identified Witness1 and Witness2 as "Poke's [Kirby's] girls." Shareef denied any involvement or knowledge that the two females were engaged in prostitution activities.

11. Your affiant is advised that charges against Shareef and Kirby for abduction and facilitating prostitution were not prosecuted by Henrico County due to insufficient evidence and/or the witnesses' refusal to provide testimonial evidence. Witness2 has since died from injuries suffered during an automobile accident as she traveled from Virginia to North Carolina in early 2014.

PITTSYLVANIA COUNTY, VIRGINIA

12. In May of 2014, the PCSO conducted a law enforcement activity in the furtherance of an investigation into Back Page advertisements related to prostitution. Back Page escorts ad [REDACTED] was identified as posted on May 11, 2014 named "Xoxo Vanessas back in town with Friend -23." A white female, Witness3, is pictured in the advertisement, who is dressed in a bikini top and thong underwear. The ad lists telephone number [REDACTED] (subject number) as the contact phone number and the location as Danville and Ridgeway, Virginia.

13. On several occasions, the PCSO contacted the subject number by text and voice calls. They spoke to Witness4 identifying herself as Vanessa regarding prostitution services. Witness4 identified herself as "Half-Italian, long black hair, 125 pounds, hazel eyes, and big titties." Witness4 identified the female in the ad as Witness3 and stated, "she [Witness3] is smaller than me."

14. On May 29, 2014, PCSO contacted the subject number and spoke to Witness4 identifying herself as Vanessa. During the call, the female appeared (sounded) to be highly impaired as she spoke to the undercover using the subject telephone. At the conclusion of the call, the undercover advised he would send the address of his hotel by text message for the meeting. The female appeared unable to hear or comprehend that

advisement after several repetitions. At this time, another person appeared to take the phone from the female and spoke on her behalf. The third-party voice appeared to be a male attempting to mimic the female's voice. The third party person quickly responded "ok" (female voice attempt) and hung up the telephone.

15. On May 29, 2014, an undercover law enforcement officer encountered Witness4 in a hotel room in Pittsylvania County, Virginia and she offered prostitution services at the rate of \$300 per hour. Witness4 specified by stating, "anything but anal." Witness4 then stripped naked, obtained a condom, and approached the officer, which caused Witness4 to be arrested.

16. Prior to and after her arrest, Witness4 engaged both in conversation with the undercover officer and other law enforcement officers after waiving her Miranda privilege. Witness4 was engaged in prostitution for a short period of time prior to this incident and identified her boyfriend, Kirby, as the person who is the owner of the subject telephone and who "runs" the scheme (Affiant's Note: During May of 2014, Kirby was arrested by the Henry County Sheriffs' Office. Kirby provided his telephone number as [REDACTED] to the department during booking). She identified Kirby as the individual with her during the telephone call who took the telephone from her and then later set the meeting with the undercover by text messages. Also, prior to the earlier call, Kirby provided Witness4 with a dosage amount of heroin that impaired her ability to converse on the telephone with the undercover. Witness4 advised she provides earnings from the prostitution services to Kirby and they both subsist off of the earnings. Witness4 identified Kirby and other persons who transported her to the hotel on the promise of payment from the prostitution.

17. PCSO encountered persons nearby to the hotel in the vehicle, which brought Witness4 to the undercover meeting including Kirby, another female (Witness5), and Rayvon Strange who is an associate of Kirby's. Rayvon Strange was the driver of the vehicle, which was a rental vehicle registered to Witness5. Witness5 was arrested for possession of marijuana and Kirby was arrested for aiding prostitution services.

18. On October 10, 2014, Kirby was convicted of a misdemeanor in Pittsylvania County, Virginia related to the May 29, 2014 event of aiding prostitution. Kirby was also charged with a felony violation for receiving proceeds from a person engaged in prostitution. Kirby was incarcerated pending his bond hearing from approximately October 13, 2014 until October 25, 2014. On his initial arrest, Kirby was allowed to place a telephone call to a relative identified as his sister using the telephone in the PCSO booking office, which is not electronically monitored or recorded. During the discussion, PCSO officers observed Kirby request that his sister remove information and photographs from Kirby's Facebook page.

19. Kirby was incarcerated within the Pittsylvania County Jail following his arrest during October of 2014. Your affiant has reviewed recorded calls placed from Kirby to various persons while incarcerated in Pittsylvania County, Virginia. Kirby makes several calls to a person identified as "Misha," who your affiant believes is Kirby's sister because

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she receives calls at Kirby's mother's home and referred to Kirby's mother as "momma." 20. Kirby placed numerous third party or "kite" calls using Misha's cellular phone. Several third party calls are placed by Kirby to unknown persons; at least one of these persons is believed to be a minor who is identified hereinafter as Witness9. The following is a summary of relevant information regarding Kirby's involvement in prostitution, contact with a minor for sexual purposes, and use of Facebook:

- A. On October 14, 2014, Kirby telephoned Misha and advised: "I pleaded guilty to the aiding and abetting...that's a misdemeanor for the prostitution."
- B. On October 14, 2014, Kirby telephoned an Witness9 and advised: "They got me on something I didn't do." Witness9 replied: "Yea right." Kirby replied: "...I wasn't doing that shit since the first charge [May of 2014]." Witness9 answered: "Cause you prostituting." Kirby responded: "They said I was." Witness9 replied: "Yea right." (Both parties laughing).

21. Your affiant has observed public Facebook accounts associated with Kirby. In various Facebook accounts, Kirby is identified by his photographs and associates. Kirby is currently identified on Facebook account titled "Renegade Da Don" (RENAGADE). Kirby's first Facebook account was identified as "Kirby." Kirby's second Facebook account was identified as "Mayne Inmyownzone Kirby," which was changed in November of 2014 to RENAGADE.

A. Postings were reviewed by your affiant:

- i. On May 29, 2014, the PCSO observed Kirby's Facebook page, which included the self-description posting: "Head Nigga Pimp."
- ii. On July 24, 2014, Kirby posted: "Idk who dis lil nigga is talking dirty to my girl fr. Wen I find out who us is we need talk real shit. I'm bout mine REDACTED (Witness0) I love you baby u always keep it real wit me."
- iii. On November 26, 2014, Kirby Posted: "Ima die real if da feds come scoop me my mouth stayin closed im posted in da hood...s/o to all u haten ass nigas dat think differrnt suck it eazy n swallow back....793 Thug life." Your affiant is aware that 793 Thug Bloods are a gang "set" associated with the Newark area of New Jersey.

KIRBY'S SEX TRAFFICKING OF WITNESS4

FACTS RELATED TO THE VIOLATION OF 18 U.S.C. § 1591 AND THE FIRST VIOLATION OF 18 USC § 2241:

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22. BACKPAGE ADS FOR WITNESS4: Kirby posted ads on Backpage, advertising Witeness4 for prostitution services in Virginia and New Jersey on numerous occasions in 2014. Some of the Backpage advertisements included photos of Witeness4. The advertisements included the following:

- A. BackPage Post ID # [REDACTED], dated May 11, 21, and 27, 2014. This Backpage post advertises prostitution services by Witness4 in Virginia. It was posted using an email address associated with Kirby ([REDACTED] com). The ad lists a telephone number ([REDACTED] [REDACTED]) also associated with Kirby.
- B. BackPage Post ID # [REDACTED], dated May 2, 2014. This Backpage post advertises prostitution services by Witness4 in Virginia. It was posted using an email address associated with Kirby ([REDACTED] com). The ad is associated with two telephone numbers ([REDACTED] [REDACTED] and [REDACTED] [REDACTED]), which also are associated with Kirby.
- C. Backpage Post ID # [REDACTED], dated April 25, 2014. This Backpage post advertises prostitution services by Witness4 in Virginia. It was posted with the email address [REDACTED] com. The ad lists a telephone number ([REDACTED] [REDACTED]) that is associated with Kirby.
- D. Backpage Post ID # [REDACTED], dated April 24, 2014. This Backpage post advertises prostitution services by Witeness4 in New Jersey and Virginia. It was posted with the email address [REDACTED]. The advertisement itself asked customers to call [REDACTED], which is associated with Kirby.

23. KIRBY's FACEBOOK ACCOUNT

- A. As noted above, your affiant has reviewed portions of Kirby's Facebook account.
- B. In the "ABOUT" section of Kirby's Facebook page from July 9, 2014, it states that Kirby was born on [REDACTED], went to Franklin County High School, Class of 2008, and can be reached at: [REDACTED] and [REDACTED] [REDACTED]
- C. There is a posting from April 21, 2014 with approximately 25 U.S. bills in it, approximately 16 of which are \$20 bills, approximately 7 of which are \$50 bills, and approximately 3 of which are \$100 bills.
- D. There is a posting from April 24, 2014 stating "Me n the wifey finally on the hwy back to va. That state line cant come soon enough - with [Witness4]."

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24. WITNESS4 FACEBOOK POSTINGS:

- A. Your affiant has reviewed portions of Witeness4 Facebook account.
- B. There is a posting dated April 18, 2014 with a photo of a road-sign for Waterbury with the skyline of a city in the distance.

25. VICTIM-WITNESS FOUR (4) INTERVIEW

- A. In October, 2014 Witness4 provided information to law enforcement regarding Kirby. Witness4 identified Kirby as her boyfriend who is engaged in a conspiracy with other persons who engage in pimping, managing prostitution services, and illegal drug sales. She identified others also involved in the scheme.
- B. Witness4 stated that she began working as a prostitute for Kirby during January of 2014 and identified three current and/or former females who were prostitutes working for Kirby, including Witness2 who died in a 2014 car accident.
- C. Witness4 stated that Kirby posted escort and prostitution ads on Back Page by cellular telephone and would communicate with the interested party by text messaging.
- D. Witness4 stated that she initially had a romantic relationship with Kirby but then began to prostitute for Kirby as a result of physical, verbal, and emotional abuse, as well as chemical dependency. Witness4 stated she did not want to prostitute. She stated that Kirby provided Witness4 with prescription pills, heroin, and other drugs. Witness4 identified specific instances where Kirby threatened her with serious injury or death and physically abused her as a means of forcing her to conduct prostitution activities. Witness4 identified once instance during 2014 where Kirby threatened and hit her in a Southside, Virginia motel where they were engaging in prostitution activities. Witness4 attempted to leave and Kirby placed a black semi-automatic pistol into Witness4's mouth and forced her to stay.
- E. Witness4 stated that Kirby insisted on taking all of the money she earned as a result of her prostitution activities. Kirby would commonly "search" Witness4 for tips or other monies following prostitution services.
- F. Witness4 stated that Kirby advised Witness4 that if she encountered law enforcement to advise them she worked for herself and admonished her against implicating him

- G. Witness4 stated that she engaged in prostitution services for Kirby in Virginia, as well as in New Jersey. Specifically, Witness4 stated that in April 2014, Kirby and another male took her to a hotel in Newark, NJ where they posted her on BackPage and offered her for prostitution services for several days.

26. WITNESS SEVEN (7) INTERVIEW

- A. In September of 2014, PCSO interviewed Witness7 as she was encountered in the possession of a stolen automobile. She is a local prostitute and a known associate of Kirby. Witness7 identified herself as a prostitute who utilizes Back Page for the purpose of soliciting for prostitution services. She corroborated Witness4's affirmations that Kirby and specified others are engaged in a conspiracy to provide prostitution services within and outside of Virginia.
- B. Witness7 was interviewed by your affiant on February 5, 2015. Among other things, she stated that she knew Witness4 and had conversations with Witness4 during which Witness4 told her she did not want to work for Kirby. Witness7 also made numerous statements corroborating Witness4's descriptions of physical and verbal abuse against Witness4 by Kirby.

27. WITNESS EIGHT (8) INTERVIEW

- B. In October of 2014, PCSO interviewed Witness8. She identified Kirby as a pimp. She confirmed that Kirby uses Backpage for his prostitution business. She identified Witness4 as one of Kirby's prostitutes.

FACTS RELATED TO THE SECOND VIOLATION OF 18 U.S.C. § 2241:

28. BACKGROUND FACTS REGARDING KIRBY'S RELATIONSHIP WITH WITNESS0

- A. During August of 2013, Franklin County Sheriff's Office (FCSO) and the National Center for Missing and Exploited Children (NCMEC) engaged in an investigation involving the disappearance of a Southside, Virginia minor who the investigation identified as Witness0. At the time, Witness0 was a minor female living in foster care in the Southside, Virginia area. During the search for Witness0, law enforcement identified text messaging between Kirby and Witness0, which occurred while she was a missing runaway. Witness0 was eventually located and participated in a consensual interview with the FCSO. Witness0 acknowledged that she was engaged in a sexual relationship with Kirby (24 years old) and that Kirby was with her or otherwise aided her to evade law enforcement

during her attempt to run away. Witness0 also advised law enforcement, however, that she would not testify against Kirby or any of the persons she had sexual contact with or who aided her during her run-away.

B. In April of 2015, investigators interviewed Witness9, who is now an adult female interviewed pursuant to this investigation regarding the activities of Kirby. The following is a summary of information resultant from the interview:

C. She is a 18 year old female high school student who resides within the Western District of Virginia.

- i. She identified Kirby as her former boyfriend and a pimp that conducts business at local motels in Henry County, Virginia. She met Kirby through Facebook and electronic communications. Kirby has also provided Witness9 with illegal controlled substances.
- ii. She became sexually active with Kirby when she was 16 years of age and Kirby was approximately 22 years of age.
- iii. She alleged Kirby informed her, "After you turn 18, you gonna come work for me." She also recalled that one of Kirby's associates, Witness5, attempted to recruit her into the prostitution business.
- iv. She identified a female with the last name "REDACTED [Witness0]" as one of Kirby's girlfriends and prostitutes during the time of her romantic relationship, which was approximately two years ago.

D. On or about April 6, 2015, your affiant conducted a custodial interview of

[REDACTED] identified himself as the recent boyfriend of Witness0 and also a distant associate of Kirby. The following is a summary of information:

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- v. Witness0 is currently engaged in the prostitution business and is listed on backpage.
 - vi. Witness0 is the current girlfriend of Kirby, who [REDACTED] identified as a local pimp or facilitator of prostitution acts.
 - vii. [REDACTED] showed your affiant a recent text message between [REDACTED]'s phone and a phone associated with Witness0 and Kirby. [REDACTED] texted a phone number listed on Witness0's recent

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Backpage ad as a joke. [REDACTED] included questions about sexual acts and rates for prostitution services. Text messages were returned to [REDACTED] warning [REDACTED] to discontinue contact with Witness0 and to stop interfering in the writer's "business." [REDACTED] advised that he believes the author is Kirby and is referring to the business of prostitution.

29. KIRBY AND WITNESS0 FACEBOOK POSTINGS

- A. On and before April 10, 2015, your affiant has reviewed public Facebook page information on an account identified as "REDACTED [Witness0 Account]," which is identified as controlled by Witness0 (the account). Your affiant has also observed public Facebook accounts associated with Kirby. Kirby is currently identified on Facebook account titled "Renegade Da Don." Kirby's first Facebook account was identified as "Kirby." Kirby's second Facebook account was identified as "Mayne Inmyownzone Kirby," which was changed in November of 2014 to Renegade Da Don. Both accounts are affixed with information and photographs, which are summarized as:

"Yellowbone Staylow"

- A. On the "About" section of Witness0's page a post reads: "Engaged to Renegade Da Don," which was posted on February 25, 2013. The Facebook name and account Renegade Da Don is associated with Kirby through photographs and other indicia. Your affiant notes that Witness0 was approximately 16 years of age when this post was made and Kirby was approximately 22 years of age.
- B. On July 20, 2013, a photograph depicts a closeup facial of Witness0 and Kirby. The inscription post reads, "Me and my baby."
- C. On February 27, 2015, a photograph depicts a closeup facial of Witness0. The inscription post reads, "you cant break a diamond." Your affiant notes that "Diamond" is the alias Witness0 utilizes in recent Backpage advertisements.
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- D. On March 23, 2015, a set of photographs depicts Witness0 in a parking lot with an alcoholic beverage bottle. Witness0 is identified by your affiant through her facial features and a unique Native American "Dream Catcher" tattoo on her leg. Witness0 is depicted with an unknown female appearing to be in her twenties and possessing a unique tattoo on her right thigh. The females are also depicted with Kirby.

- E. On March 29, 2015, a photograph depicts Witness0 with Kirby, who Kirby, who is identified by his facial features and tattoos. The inscription post reads, "us against the world,"

"Renegade Da Don"

- A. On May 29, 2014, the PCSO observed Kirby's Facebook page, which included the self-description posting: "Head Nigga Pimp."
- B. On July 24, 2014, Kirby posted: "Idk who dis lil nigga is talking dirty to my girl fr. Wen I find out who us is we need talk real shit. I'm bout mine REDACTED (Witness0) I love you baby u always keep it real wit me."
- C. On November 26, 2014, Kirby Posted: "Ima die real if da feds come scoop me my mouth stayin closed im posted in da hood...s/o to all u haten ass nigas dat think differnt suck it eazy n swallow back....793 Thug life." Your affiant is aware that 793 Thug Bloods are a gang "set" associated with the Newark area of New Jersey.

30. BACKPAGE ADVERTISEMENTS AND PHONE NUMBER [REDACTED]

- A. The following information is relevant pertaining to telephone call number [REDACTED]. Information below identifies the call number as associated with person identified as Witness0 and is utilized in several of Witness0 Backpage escort advertisements.

- B. On and after April 5, 2015 at 1:42 am, your affiant has reviewed an advertisement posted on Backpage, which is identified as number [REDACTED] Roanoke and titled "Outcall/Incall Ask For Diamond -22."

viii. The ad states, "[REDACTED]" and "Highly rated best time of your life :) cant wait to see you. 5"5 Italian sweet and sexy :) outcall or incall either one just don't forget to call."

ix. Photographs are included within the advertisement, which depict a female identified by your affiant as Witness0. Witness0 is identified by her facial features and a tattoo of a unique Native American "dream catcher" on her leg.

- C. On and after April 7, 2015 at 2:34 pm, your affiant has reviewed an advertisement posted on Backpage, which is identified as number [REDACTED] Danville and titled, "Ask for Diamond - 21."

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- i. The ad states, "Brown eye's brown hair slim Italian carmal skin. Ready for a great time Call me at [REDACTED]. Im Highly rated! Traveling so catch me while you can. 100% REAL cant wait to meet yuu. No bullshit."
 - ii. Photographs are included within the advertisement, which depict a female identified by your affiant as Witness0. Witness0 is identified by her facial features and a tattoo of a unique Native American "dream catcher" on her leg.
- D. On or about March 30, 2015, your affiant observed undercover communications from a undercover cooperator (UC) with [REDACTED], which were made in the form of text messages making inquiry into the backpage escort ad for Witness0 in Danville and Roanoke, Virginia. The following is a summary of text messaging:
 - i. The UC texted: "Hey diamond r u working tonight?" The subject phone responded: "Yes outcall." Your affiant knows the term outcall is a prostitution term meaning the prostitute will come "out" to meet the customer.
 - ii. The US responded: "How much?" Subject phone responded: "200qv 150hhr 100qv." Your affiant knows these numerical values to represent the cost related to the prostitution services.

31. TRACKING OF PHONE NUMBER [REDACTED]

- A. On or about April 14, 2015, investigators began receiving cell phone tracking-information for telephone [REDACTED].
- B. At approximately 1:00 am on April 14, 2015, tracking information showed the location of the telephone at a Red Roof Inn hotel in Greensboro, North Carolina. At approximately 9:00 am on April 14, 2015, your affiant identified a white linfinity bearing Virginia registration [REDACTED].
- C. At approximately 12:00 pm, your affiant observed Kirby, Witness0, [REDACTED], and others in Room 153 in the Red Roof Inn in Greensboro, North Carolina.
- D. At approximately 12:30 pm, a law enforcement officer obtained trash from Room 153, which included a condom wrapper and the corner of a torn plastic bag containing a white-powder substance, which has not yet been tested for the presence of controlled substances.
- E. At approximately 12:30 pm, the vehicle containing Kirby, Witness0, and the others departed Greensboro, North Carolina and returned to Virginia.

32. BACKPAGE ADVERTISEMENT

- A. On and after April 14, 2015, your affiant has identified and observed Backpage advertisement [REDACTED] in Greensboro. The ad is titled, "Coco&Mocha – 22."
- B. The ad states, "The two baddest yellowbones are in Greensboro tonight only! Sexy sweet and discreet. Ready to relax you and relive your Monday stress call which one you want. Cocos pictures are first [REDACTED]. Mochas pictures are second [REDACTED]. Call while we're in town before you miss this satisfying opportunity. You'll definitely leave with a smile on your face!"
- C. The ad is affixed with photographs of persons, which are people your affiant knows to be Witness0 and Witness11

33. APRIL 2015: ENCOUNTER WITH WITNESS0, Kirby, AND OTHERS

A. UNDERCOVER PROSTITUTION AND DRUG STING:

- i. On or about April 14, 2015, law enforcement engaged in a law enforcement activity involving telephone number [REDACTED]. A person identified as [REDACTED] is currently charged by the Commonwealth of Virginia for violations related to prostitution and recently agreed to provide information and support to law enforcement in the furtherance of this investigation. The following is summarized information from discussions with [REDACTED]:

- 1. [REDACTED] has previously engaged in prostitution transactions with Witness0, which have occurred within the past two months. [REDACTED] identified Kirby as Witness0's current boyfriend and knows Kirby through his family.

- 2. On April 14, 2015, Witness0 agreed to engage in a prostitution act for \$200.00 in currency and solicited [REDACTED] to purchase approximately one gram of powder cocaine for \$100.00 in currency.

- ii. At approximately 6:00 pm (almost immediately after arriving to Roanoke, Virginia from the North Carolina), your affiant observed [REDACTED] engage in telephone conversations with telephone number [REDACTED] and spoke with a person he identified as Witness0. At this time and concurrent with the initial phone call, investigative surveillance observed a white infinity bearing Virginia registration [REDACTED], Witness0, and Kirby.

- iii. At approximately 6:15 pm, Witness0 arrived at the prescribed location driven by a friend identified as [REDACTED] in a white sedan.
- iv. Witness0 entered [REDACTED] vehicle, accepted \$300.00 in currency from [REDACTED]; provided [REDACTED] with a clear plastic bag containing a white-powder substance; and moved to the back of the vehicle where she removed her clothing in preparation for a sexual encounter.
- v. Law enforcement interdicted [REDACTED] and Witness0, seized items, and made arrests pursuant to the activity. The white-powder substance was field tested and returned a positive indication for the presence of cocaine.

B. INTERVIEWS WITH WITNESSES

- i. Following the enforcement activity, Witness0 waived her Miranda Rights and spoke with law enforcement. She admitted to traveling to Greensboro, North Carolina the night before with Kirby, [REDACTED], and at least one other individual; she admitted there was a Backpage advertisement for her prostitution services posted in Greensboro, and she admitted to engaging in prostitution services while in Greensboro both at the Red Roof Inn and elsewhere.
- ii. At approximately, 10:15 pm, your affiant approached Kirby and advised Kirby he would be arrested for federal violations pertaining to sex trafficking. Kirby was not restrained and he was provided with his Miranda Rights, which were administered by your affiant and witnessed. Kirby waived his Miranda rights, and among other things, stated that he traveled to Greensboro on April 14, 2014 with Witness0 and others. He stated that Witness0 participated in prostitution acts while there, as well as obtaining powder cocaine. Kirby admitted he has no legal employment. He also admitted that he "lives on" the money made by Witness0. Nonetheless, Kirby denied aiding, assisting, or encouraging Witness0 in any drug or prostitution activities.
- iii. Both on April 14 and again on April 16, [REDACTED] was interviewed by law enforcement. She confirmed that she drove Witness0, Kirby, another male, and a 16-year old female ("the minor") to Greensboro on April 13 at the request of Witness0. Witness0 agreed to pay [REDACTED] gas money for providing transportation. [REDACTED] stated that Kirby tried to convince [REDACTED] to prostitute herself while in Greensboro and stated that he would

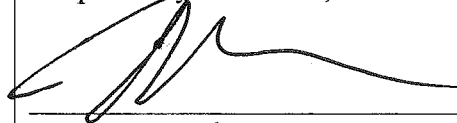
take a portion of whatever money she earned. [REDACTED] also stated that Kirby tried to convince the minor to "strip" and that both Kirby and the minor could make money off of her stripping. Neither [REDACTED] nor the minor agreed to Kirby's requests.

CONCLUSION

34. Based on the aforementioned factual information, your affiant respectfully submits that there is probable cause to believe that Kirby has engaged in violations of Title 18, United States Code, Section 1591(a), Title 18, United States Code, 2421, Title 18, United States Code, Section 2.

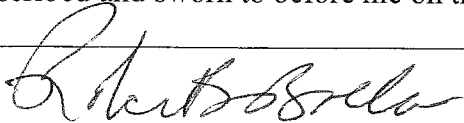
35. The U.S. District Court for the Western District of Virginia is the court of competent jurisdiction authorized to examine this application, which applies to activities facilitated within and outside of the Commonwealth of Virginia.

Respectfully submitted,



Hunter R. Durham
Special Agent
Homeland Security Investigations
Roanoke, Virginia

Subscribed and sworn to before me on the 17th day of April, 2015



HONORABLE ROBERT S. BALLOU
UNITED STATES MAGISTRATE JUDGE